

State of Florida



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COMMISSION CLERK

# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

**DATE:** October 30, 2009

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Economic Regulation (Clapp)  
Division of the General Counsel (Sayler)

**RE:** Docket No. 090154-SU – Notice of abandonment of wastewater system for The Village of Lakeland Mobile Home Park in Polk County, by West Lakeland Wastewater, Inc.

Order No. PSC-09-0607-FOF-SU, issued September 8, 2009, acknowledged the abandonment. It further ordered "that upon referral of the unpaid regulatory assessment fees, penalties, and interest to the Department of Financial Services regarding authority to write off the account as uncollectible, this docket shall be closed administratively." The previously mentioned letter to Financial Services was issued October 27, 2009, see attached. All outstanding issues in this docket have been addressed and it may now be closed administratively.

Should you have any questions regarding this matter, feel free to contact us.

Attachment

*ok to close  
10-30-09  
N/S*

DOCUMENT NUMBER-DATE

10998 OCT 30 09

FPSC-COMMISSION CLERK

COMMISSIONERS:  
MATTHEW M. CARTER II, CHAIRMAN  
LISA POLAK EDGAR  
NANCY ARGENZIANO  
NATHAN A. SKOP  
DAVID E. KLEMENT

STATE OF FLORIDA



DIVISION OF  
ADMINISTRATIVE SERVICES  
APRYL C. LYNN  
DIRECTOR  
(850) 413-6330

# Public Service Commission

October 27, 2009

Ms. Molly Merry  
Bureau of Accounting  
Financial Services  
101 East Gaines Street  
Tallahassee, Florida 32399-0354

Dear Ms. Merry:

The Public Service Commission has exercised reasonable efforts to collect fines from the utility referenced below. No response has been received, therefore further collection efforts would not be cost effective.

DOCKET NUMBER	UTILITY NAME	TOTAL AMOUNT
090154-SU	West Lakeland Wastewater, Inc.	\$6,219.95

The Delinquent Accounts Receivable Transmittal form, a memorandum from the Commission's Office of the General Counsel, and other supporting documentation are enclosed. At your discretion, please grant this agency permission to write off the debt.

Sincerely,

Handwritten signature of Apryl C. Lynn.

Apryl C. Lynn

AL:vm  
Enclosures

cc: Office of the General Counsel (Saylor)  
Division of Economic Regulation (Clapp)  
Office of Commission Clerk (Cole)

R:\Write Off Letters\FY 2009-2010\Write Off Letter.doc

DOCUMENT NUMBER - DATE  
10998 OCT 30 09  
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Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

**Request for Accounts Receivable Write-Off Template**

**Agency Name:** Public Service Commission  
**GRC Acct Number:** FLPSC  
**Contact Name:** Valorie P. Moore  
**Contact Number:** (850) 413-6275  
**Contact Email:** Vmoore@PSC.State.FL.US  
**Request Date:** 10/27/2009

*(GRC - General Revenue Corporation, State's Collection Vendor)*

Reference No. <i>(Agency Reference Number for Debt)</i>	Name of Debtor <i>(Name of the Company or Individual)</i>	Agency Location ID <i>(Optional field for agencies with District or Regional Offices)</i>	Original Due Date of Receivable <i>(Date when the Debt originally became Due)</i>	Original Receivable Amount <i>(Amount of the Original Debt)</i>	Current Balance <i>(Current Balance of the Debt)</i>	Write-off Amount <i>(Amount of the request for Write-off)</i>	Collections Status	Other Details	Due Diligence <i>(Indicate how the Agency has satisfied the Due Diligence Requirement for the Debt per Chapter 691-21.003 F.A.C. (e.g., number of letters sent, etc.)</i>
SU826	West Lakeland Wastewater		2008-2009	\$ 6,219.95	\$ 6,219.95	\$ 6,219.95	3	Abandoned Utility	3 Delinquent Documents

DOCUMENT NUMBER DATE  
 10998 OCT 30 8  
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State of Florida




RECEIVED  
OCT 22 PM 4:30  
DIVISION OF  
ADMINISTRATIVE SERVICES

## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** October 22, 2009  
**TO:** Karen Belcher, Director, Division of Administrative Services  
**FROM:** Erik L. Saylor, Senior Attorney, Office of the General Counsel   
**RE:** Request for Permission from Department of Financial Services to Write-Off the Penalty Imposed on West Lakeland Wastewater, Inc., pursuant to Order No. PSC-09-0607-FOF-SU, issued September 8, 2009, in Docket No. 090154-SU In re: Notice of abandonment of wastewater system for The Village of Lakeland Mobile Home Park in Polk County, by West Lakeland Wastewater, Inc.

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On March 30, 2009, Docket No. 090154-SU was established to address the notice of abandonment submitted by West Lakeland Wastewater, Inc. (the Utility), effective June 30, 2009. On June 22, 2009, the Circuit Court of the Tenth Judicial Circuit issued an order in Case No. 53-2009CA-005284, in which it declared West Lakeland Wastewater, Inc. abandoned and appointed Mr. Michael Smallridge as receiver of the wastewater system.

During the pendency of this proceeding, it was discovered that the Utility was in apparent violation of Sections 367.145, 367.161, and 350.113, Florida Statutes (F.S.), Rules 25-30.110, and 25-30.120, Florida Administrative Code (F.A.C.). Commission staff contacted the former owners, by phone, letter, and email concerning the outstanding RAFs, penalties and interest owed to the Commission, and their failure to file annual reports. By phone, the former owners stated they could not pay the RAFs nor penalties and interest. The former owners did not respond to staff's letter or email concerning these outstanding amounts.

Order No. PSC-09-0607-FOF-SU, issued on September 8, 2009, acknowledged abandonment of the Utility and appointment of Mr. Smallridge as receiver. In addition, the order declined to show cause the former owners of the Utility for their failure to pay regulatory assessment fees, penalties and interest on those fees, and for failing to file annual reports because the Utility was abandoned and the likelihood of recovering any money from the former owners was minimal.

In its Order, the Commission found that the Utility had failed to timely submit, pursuant to Rule 25-30.120, F.A.C., its regulatory assessment fees (RAFs) and was assessed penalties and interest pursuant to statute and rule. The Utility made a partial payment of \$1,360.67 on May 31, 2008, for its 2007 RAFs, and no payment for its 2008 RAFs. Notices of delinquency for failure to remit the 2007 and 2008 RAFs were mailed to the Utility on April 22, 2008, and April 15, 2009, respectively. As of the date of receivership, June 22, 2009, the Utility owed delinquent

Memo to Karen Belcher

October 22, 2009

Page 2

RAFs for 2007 and 2008, respectively: \$3,961.53 in RAFs, \$856.62 in interest, and \$312.80 in penalties. The amount of 2009 RAFs owed from January 1, 2009, through June 22, 2009, is \$1,315.17; however, this amount will be the responsibility of the receiver.<sup>1</sup>

The Commission also found that the Utility had failed to timely file, pursuant to Rule 25-30.120, F.A.C., its annual reports, and was assessed a penalty pursuant to the rule. Because the Utility was abandoned and was now in receivership, the Commission found good cause for the Utility's non-compliance, exercised its discretion in Rule 25-30.110(6), F.A.C., and did not assess the penalties set forth in Rule 25-30.110(7), F.A.C., for outstanding annual reports.

Because the Commission also found that further collection efforts would likely not be cost-effective and that collection of any fees is highly unrealistic, the Commission further ordered that the outstanding the RAFs, penalties and interest be sent to the Department of Financial Services for collection, and that the Division of Administrative Services shall request permission to write-off the uncollectible amount.

Therefore, staff requests that the Division of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write-off the uncollectible the RAFs, penalties and interest for West Lakeland Wastewater, Inc.

ELS/els

cc: Valorie Moore  
Stephanie Clapp

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<sup>1</sup> See Order No. PSC-95-0222-FOF-WU, issued February 17, 1995, in Docket No. 941122-WU, In Re: Notice of abandonment of water system in Levy County by Manatee Utilities, Inc.

**STATE OF FLORIDA  
DEPARTMENT OF FINANCIAL SERVICES  
BUREAU OF ACCOUNTING  
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL  
(PLEASE PRINT OR TYPE)**

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE October 22, 2009 PAGE 1 OF 1

CONTACT KAREN BELCHER, DIRECTOR, FISCAL SERVICES

PHONE NUMBER 850-413-6273

FLAIR ACCOUNT CODE FLAIR ACCOUNT CODES: 61 50 2 573003 610100 00 000100

61 74 1 000331 610100 00 001200

1. Docket No. 090154-SU WEST LAKELAND WASTEWATER, INC.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only		
P.O.BOX 266, EATON PARK, FLORIDA 33840							
Last Known Address (Include Zip)							
863-581-7514/863-665-1748				\$3,961.53	\$1,169.42	\$1,089.00	\$6,219.95
Home Telephone Work Phone				Principal Amount	Penalty/Interest Amount	Annual Rpt. Fine	Total
§367.145 F.S., §350.113, F.S., and Rule 25-30.120, F.A.C., Rule 25-30.110, F.A.C.							
Penalty/Interest Authority				Date Debt Incurred	Debt Type		
Regulatory Assessment Fees, Penalties, Interest and Annual Report Fines for Failure to Pay							
Debt Description, e.g., Drivers License, Property Damage							
Additional Information, e.g., Date of Birth, Drivers License Number, etc							

2.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only	
Last Known Address (Include Zip)						
Home Telephone Work Phone				Principal Amount	Penalty/Interest Amount	Total
Penalty/Interest Authority				Date Debt Incurred	Debt Type	
Debt Description, e.g., Drivers License, Property Damage						
Additional Information, e.g., Date of Birth, Drivers License Number, etc						

3.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only	
Last Known Address (Include Zip)						
Home Telephone Work Phone				Principal Amount	Penalty/Interest Amount	Total
Penalty/Interest Authority				Date Debt Incurred	Debt Type	
Debt Description, e.g., Drivers License, Property Damage						
Additional Information, e.g., Date of Birth, Drivers License Number, etc						

**\*\*DEBIT TYPE CODE\*\***

1. RETURNED CHECK 2. NONPAYMENT FOR STATE GOODS/SERVICES 3. DAMAGE TO STATE PROPERTY  
7. COURT ORDER 8. FINES 9. OVERPAYMENT OF STATE FUNDS

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## GENERAL INSTRUCTIONS

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Provide as much information as possible for each account or returned check listed. Names should include legal entities as well as individuals. Principal Amount is the original amount of the debt excluding any service charge, penalty, and/or interest. Penalty/Interest Amount is the amount of the service charge, penalty, and/or interest due to date on the delinquent account or returned check. For those accounts subject to interest charges, please indicate the interest rate, method of calculation, and whether the rate is subject to change. Penalty/Interest Authority is the Florida Statutory and/or Florida Administrative Code citation authorizing the service charge, penalty, and/or interest on delinquent accounts and returned checks. Date Incurred is the date the account became delinquent; e.g., the date a check was returned marked NSF, the date an invoice was due to be paid, etc. Debt Type must be indicated using the codes listed at the bottom of the form.

In order to properly pursue a delinquent account the Bureau of Accounting and the collection agency, if used, require pertinent information about the debt and debtor. Such information regarding the debt should be provided in the area titled Debt Description and include the purpose of the original payment by check; type of goods/services provided; what, when, and where State property was damaged; when, why and what court ordered a payment; when and why a fine was issued; for what and when were State funds overpaid; etc. Additional Information about the debtor should include, if available, date of birth, driver license number, credit card type and number, names and addresses of relatives, and any other information that may be used to locate the debtor. The more the Bureau and the collection agency know about the debt and debtor the more likely the recovery of the debt.

To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all moneys will be transferred by the journal transfer. Agencies will be provided a detailed listing of amounts collected and collection fees charged for each amount. The Department will also provide instructions in accordance with Generally Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, Florida Statutes.

Forms and Questions should be addressed to:

Department of Financial Services  
Bureau of Accounting  
Room 414 Fletcher Building  
200 East Gaines Street  
Tallahassee, Florida 32399-0354  
(850) 410-9365 / SC 210-9365